

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :  
:   
Plaintiff, :  
:   
-and- :  
:   
THE VULCAN SOCIETY, INC., *for itself and on behalf of its members*, JAMEL NICHOLSON, and :  
RUSEBELL WILSON, *individually and on behalf of a subclass of all other victims similarly situated seeking classwide injunctive relief*; :  
:   
ROGER GREGG, MARCUS HAYWOOD, and KEVIN WALKER, *individually and on behalf of a subclass of all other non-hire victims similarly situated; and* :  
:   
CANDIDO NUÑEZ and KEVIN SIMPKINS, *individually and on behalf of a subclass of all other delayed-hire victims similarly situated,* :  
:   
Plaintiff-Intervenors, :  
:   
-against- :  
:   
THE CITY OF NEW YORK, :  
:   
Defendant. :  
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MARK S. COHEN, Court Monitor.

**THIRTY-EIGHTH STATEMENT OF CONSULTANT'S FEES AND EXPENSES**

**07-cv-2067 (NGG) (RLM)**

Pursuant to this Court's Modified Remedial Order and Partial Judgment,

Permanent Injunction, & Order Appointing Court Monitor dated June 6, 2013 (the

“Order”), the Monitor hereby submits this Thirty-Eighth Statement of Consultant’s Fees and Expenses. Paragraphs 67 through 69 of the Order state that:

67. The Court Monitor may, consistent with a budget to be approved by the court, hire staff or expert consultants to assist the Monitor in performing his or her duties. The Court Monitor will provide the parties advance written notice of his or her intention to hire a particular consultant, and such notice will include a resume and a description of duties of the consultant. The City may apply to the Court, upon reasonable notice to the parties, to end the employment of some or all of the Monitor’s staff and consultants upon a demonstration that the City has satisfied its burden of proof under Paragraph 74.

68. The City of New York shall fund the Court Monitor’s work pursuant to a budget proposed by the Court Monitor and approved by the court. The Court Monitor shall incur only such fees and expenses as may be reasonably necessary to fulfill the Monitor’s duties under this Order, or such other orders as the court may issue.

69. Every 60 days, the Court Monitor shall submit to the court an itemized statement of fees and expenses, which the court will inspect for regularity and reasonableness. If the court determines the itemized statement is regular and reasonable, the court will sign it and transmit it to the parties. The City shall then remit to the Court Monitor any court-approved amount, within 20 days of court approval.

The Monitor has retained the services of Manitou, Inc. (the “Consultant”) pursuant to the Monitor’s Notice of Proposed Consultant Engagement (Dkt. No. 791). The Consultant has continued performing services at the request of the Monitor in accordance with the Monitor’s Notice of Proposed Initial Work Plan and Budget of Consultant (Dkt. No. 809), which was approved by the Court’s February 15, 2012 Order. Invoices for the Consultant’s fees and expenses in the following 60-day periods are attached hereto as Exhibit 1:

August 1, 2021 to September 30, 2021

Based on the above, the amount due to the Consultant for fees and expenses incurred in the performance of the Consultant's services for the payment period is \$88,120.00. We respectfully request that the Court approve these fees and expenses.

Dated: January 13, 2021  
New York, New York

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/s/  
Mark S. Cohen